

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

DWIGHT RODGERS,)	
)	
PLAINTIFF,)	
)	
vs.)	CIVIL ACTION NO:
)	2:06-CV-1067-WKW-SRW
CRACKER BARREL OLD)	
COUNTRY STORE, INC.,)	
)	
DEFENDANT.)	

JOINT MOTION FOR PROTECTIVE ORDER

Come now the parties in the above-styled action and move this Court for a protective order designating certain information produced by the parties in this litigation as "Confidential," restricting the persons who may review certain documents that have been requested or may be requested in this action, and limiting the disclosure of the information contained therein. In support of this motion, the parties state as follows:

1. The plaintiff has now or may in the future request the defendant to produce certain categories of confidential information including personnel information of certain of defendant's current and former employees and certain of defendant's proprietary and confidential business information.

2. These categories of information contain sensitive, personal and confidential information regarding employees and former employees of defendant that, if improperly disclosed, could result in embarrassment to or harassment of these individuals. The category of information regarding confidential business information produced or to be produced is confidential and proprietary information that defendant does not want disclosed, which shall be designated as "CONFIDENTIAL" by defendant in writing at the time such information is produced by defendant.

3. Based upon the foregoing, the parties specifically request that the information and categories of information referenced above, and any and all other information which has been or may be produced in the future of a like or similar nature, be delivered and disclosed only to plaintiff and his counsel and only for their use in this action and that plaintiff and his counsel be ordered and directed to keep such information confidential and not to disclose such information or the fact that they possess such information or exhibit such information to the public, media, or to any other person, other than a person who is a member of plaintiff's counsel's office staff actively engaged with and assisting counsel in the preparation for trial and the prosecution of this action; any potential witness for the plaintiff or defendant who either previously generated or received a particular document and thus, by necessity, must review a particular document or documents in preparation

for his or her testimony; and experts and consultants retained by counsel who must necessarily see the information to assist counsel in connection with this litigation. The information may be disclosed only for the purposes of preparation for trial and the prosecution and defense of this action.

4. The parties further move that the Court enter an order directing that any person gaining access to said information through plaintiff or his counsel be specifically enjoined from disclosing such information to the public and to any other person and enjoined from making copies or revealing the contents of any documents containing said information for any purpose other than for preparation for trial and the prosecution and defense of this action.

5. The parties also move that the Court enter an order directing plaintiff and his counsel, at the final determination of this action, to assemble and return to the defendant all documents, copies thereof, or other records or information falling within the protective order entered by this Court.

6. A draft protective order is attached hereto for this Court's review as Exhibit A.

Respectfully submitted,

s/ Jennifer M. Busby
Jennifer M. Busby (BUS009)
Ashley H. Hattaway (HAT007)

Attorneys for Cracker Barrel Old Country
Store, Inc.

OF COUNSEL:

BURR & FORMAN LLP
340 Wachovia Tower
420 North 20th Street
Birmingham, Alabama 35203

s/ Monica A. York
Monica A. York
Attorney for Plaintiff, Dwight Rodgers

OF COUNSEL:

Breedlove & Lassiter, LLP
250 E Ponce de Leon Avenue
Suite 425
Decatur, GA 30030

s/ Byron Perkins
Byron Perkins
Attorney for Plaintiff, Dwight Rodgers

OF COUNSEL:

The Cochran Firm
505 North 20th Street
Suite 825
Birmingham, Alabama 35203

EXHIBIT A

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ORDER

The Court having heretofore reviewed the Joint Motion for Protective Order to limit in the above-styled action the disclosure of information and categories of information designated therein, and the Court being cognizant of the sensitive and confidential nature of said information, it is hereby ORDERED, ADJUDGED AND DECREED that the information and categories of information set out in said Joint Motion shall be disclosed and delivered only to the plaintiff and his counsel, who are hereby ordered and directed to keep such information confidential, to use it only in this action, and not disclose such information or the fact that they possess such information to the public, media, or to any other person other than the parties; members of plaintiff's counsel's office staff actively engaged with and assisting counsel in the preparation for trial and the prosecution or defense of this action;

any potential witness who previously received or generated a particular document and thus, by necessity, must review a particular document or documents in preparation for his or her testimony; and experts and consultants retained by counsel who must necessarily see the information to assist counsel in connection with this litigation. The information may be disclosed only for the purposes of preparation for trial and the prosecution and defense of this action. Any persons gaining such access through plaintiff or his counsel are specifically enjoined from disclosing such information to the public, or to any other person and are specifically enjoined from making copies of or revealing the contents of any documents containing said information for any purpose other than for preparation for trial and the prosecution or defense of this action.

The plaintiff and his counsel are further ordered, at the final determination of this action, to assemble and return to the defendant all documents, copies thereof, or other records or information falling within this protective order.

ORDERED this _____ day of _____, 2007.

UNITED STATES DISTRICT COURT JUDGE